THE

MYSORE GAZETTE.

Published by Authority.

BANGALORE, SATURDAY, AUGUST 25, 1888.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Acts and Regulations passed by His Highness the Maharaja of Mysore.

The following Regulations received the assent of His Highness the Maharaja on the 2nd day of August 1888 and are hereby promulgated for general information.

REGULATION I OF 1888.

A Regulation to amend Regulation I of 1886, *introducing into the territories of Mysore the Code of Criminal Procedure, Act X of* 1882.

WHEREAS it is expedient to amend Regulation I of 1886, introducing into the territories of Mysore the Code of Criminal Procedure, Act X of 1882, His Highness the Maharaja is pleased to enact as follows :—

I.—For section 46 of Regulation I of 1886, the following shall be substituted :—

"46. In section 503, for paragraph 2, substitute the following :—

'When the witness resides in British India, the commission may be issued to any Court competent to execute it under section 19 of the Foreign Jurisdiction and Extradition Act XXI of 1879.

'All persons residing in the territories of Mysore, whose attendance may be required by an officer executing a commission for the examination of witnesses issued to him by a Criminal Court in British India, under the second paragraph of section 503 of the Code of Criminal Procedure, Act X of 1882, shall be bound to appear before such officer, and answer truthfully all questions which he may put to them for the purpose of executing such commission, and shall be liable to the same penalties for default in this respect as they would be liable to, had their attendance been required by a Criminal Court within the territories of Mysore.'"

II.—To Regulation I of 1886, the following sections shall be added, namely :—

"55. In the last paragraph of section 31 of the Code of Criminal Procedure, 1882, for the words 'any sentence of imprisonment for a term exceeding three years' the words 'any sentence of imprisonment for a term exceeding four years and any sentence of transportation' shall be substituted."

Amendment of section 31 of the Code of Criminal Procedure.

"56. For section 34 of the same Code, the following shall be substituted, namely :—

Substitution of new section for sec. 34.

'34. The Court of a District Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years, or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding four years and any sentence of transportation shall be subject to confirmation by the Sessions Judge.'"

Higher powers of certain District Magistrates.

"57. In section 110 of the same Code, for the words 'Sub-Divisional Magistrate or Magistrate of the 1st class' the words 'or Sub-Divisional Magistrate, or a Magistrate of the 1st class' shall be substituted."

Amendment of section 110.

"58. In section 162 of the same Code, the word 'shall' shall be inserted before the words 'be used.'"

Amendment to section 162.

"59. In section 173 of the same Code, the following shall be substituted for the second paragraph, namely :—

Amendment of section 173.

'Where a superior officer of Police has been appointed under section 158, the report shall, in any cases in which the Government of Mysore by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police station to make further investigation.'"

"60. For the second paragraph of section 269 of the same Code, the following shall be substituted, namely :—

Amendment of section 269.

'When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury.'"

"61. For section 398 of the same Code, the following shall be substituted, namely :—

Substitution of new section for section 398.

'398. (1) Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

Provisions supplemental to sections 35, 396 and 397.

'(2) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is after its execution, to undergo a further substantive sentence, or further substantive sentences of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences.'"

"62. (1) For the third paragraph of section 401 of the same Code, the following shall be substituted, namely :—

Amendment of section 401.

'If any condition on which a sentence has been suspended or remitted is, in the opinion of the Government of Mysore, not fulfilled, the Government may cancel the suspension or remission; and thereupon the person in whose favor the sentence has been suspended or remitted may, if at large, be arrested by any Police officer without warrant, and remanded to undergo the unexpired portion of the sentence.'

"(2) After the third paragraph of the same section, the following shall be inserted, namely:—

'The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favor the sentence is suspended or remitted, or one independent of his will.'"

"63. After section 475 of the same Code, the following sections shall be inserted, namely:—

New sections to follow section 475.

'475 A. The Government of Mysore may direct that any person whom the Government has ordered under this chapter to be confined in a lunatic asylum, jail or other place of safe custody shall be removed from the place where he is confined to any lunatic asylum, jail or other place of safe custody in the territories of Mysore.

Power of Government to order criminal lunatics confined by its order to be removed from one place to another.

'475 B. The Government of Mysore may empower the officer in charge of the Jail in which a person is confined, under the provisions of section 466 or section 471, to discharge all or any of the functions of the Inspector General of Prisons, under section 472, section 473, or section 474.'"

Power of Government to relieve Inspector-General of certain functions.

"64 (1) For the first sentence of section 495 of the same Code, the following shall be substituted, namely:—

Amendment of section 495.

'Any Magistrate enquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of Police below a rank to be prescribed by the Government of Mysore in this behalf.'

"(2) After the last sentence of the same section, the following shall be added, namely:—

'An officer of Police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted.'"

"65. In section 510 of the same Code, for the word 'the' before the words 'Chemical Examiner,' where those words first occur, the word 'any' shall be substituted.

Amendment of section 510.

"66. After section 541 of the same Code, the following shall be inserted, namely:—

New section to follow section 541.

'541 A. (1) If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.'

Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail.

"(2) When a person is removed to a criminal jail under sub-section (1), he shall, on being released therefrom, be sent back to the civil jail, unless either—

'(a) three years have elapsed since he was removed to the criminal jail, in which case he shall be deemed to have been discharged from the civil jail under section 342 of the Code of Civil Procedure as applied to Mysore by Regulation II of 1884; or

'(*b*) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under section 341 of the Code of Civil Procedure as applied to Mysore by Regulation II of 1884.'"

"67. After section 558 of the same Code, the following section shall be added, namely :—

Addition of new section after section 558.

'559. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property.'"

Officers concerned in sales not to purchase or bid for property.

"68. In Schedule II of the same Code, between the two lines of entries against section 211 of the Indian Penal Code, the following shall be inserted, namely :—

Correction of omission in Schedule II.

Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
If offence charged be punishable with imprisonment for seven years.	Do	Do	Do	Do	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the 1st Class.

"69. In the same Schedule, for section 225 A., and the line of entries against that section, the following shall be substituted, namely :—

Further amendment of Schedule II.

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
225A	Omission to apprehend or sufferance of escape, on part of public servant in cases not otherwise provided for—						
	(*a*) in case of intentional omission or sufferance.	Shall not arrest without warrant.	Do	Bailable.	Do	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
	(*b*) in case of negligent omission or sufferance.	Do	Summons.	Do	Do	Simple imprisonment for two years, or fine, or both.	Magistrate of the 1st or 2nd Class.
225B	Resistance or obstruction to lawful apprehension, or escape or rescue, in cases not otherwise provided for.	May arrest without warrant.	Warrant.	Do	Do	Imprisonment of either description for six months, or fine, or both.	Ditto'"

"70. In the part of Schedule III of the same Code, entitled 'IV. *Ordinary powers of a Sub-Divisional Magistrate*,' the following shall be inserted after the second article, namely :—

Correction of omission in Schedule III.

'(2 A) Power to require security for good behaviour, section 110.'"

"71. In the definition of 'Officer in charge of a police-station,' in section 4, clause (*o*), of the same Code, there shall be substituted for the word 'therefrom' the words 'from the station-house,' and for the words 'present at the police station' the words 'present at the station-house.'"

Amendment of section 4.

REGULATION NO. II OF 1888.

A Regulation to regulate the manufacture, possession, use, sale, transport, and importation of explosives.

Whereas it is expedient to regulate the manufacture, possession, use, sale, transport, and importation of explosives, His Highness the Maharaja is pleased to enact as follows :—

Short title.

1. This Regulation may be called the Mysore Explosives Regulation, 1888.

Commencement.

2. (1) This Regulation shall come into force on such day as His Highness the Maharaja's Government by notification in the official gazette appoints.

(2) Provided that any notification or rule may be made under this Regulation at any time after the passing thereof, but shall not take effect until the Regulation comes into force.

3. In this Regulation unless there is something repugnant in the subject or context—

(1) "Explosive" means any substance dangerous to life or property by reason either of its explosive properties or of any process in the manufacture thereof being liable to cause explosion ; which the Government of Mysore may, from time to time by notification in the official gazette, declare to be an explosive within the meaning of this Regulation ;

(2) "Manufacture" includes the process of dividing into its component parts or otherwise breaking up or unmaking, any explosive or making fit for use any damaged explosive, and the process of remaking, altering or repairing any explosive ;

(3) "Carriage" includes any carriage, wagon, cart, truck, vehicle or other means of conveying goods or passengers by land, in whatever manner the same may be propelled ;

(4) "Import" means to bring into the territories of Mysore by land.

Power to make rules as to the licensing of the manufacture, possession, use, sale, transport and importation of explosives.

4. (1) The Government of Mysore may, for any part of the territories under its administration, make rules consistent with this Regulation to regulate or prohibit, except under and in accordance with the conditions of a license granted as provided by those rules, the manufacture, possession, use, sale, transport and importation of explosives, or any specified class of explosives.

(2) Rules under this section may provide for all or any of the following among other matters, that is to say :—

(*a*) The authority by which licenses may be granted ;

(*b*) The fees to be charged for licenses and the other sums (if any) to be paid for expenses by applicants for licenses;

(*c*) The manner in which applications for licenses must be made and the matters to be specified in such applications ;

(*d*) The form in which and the conditions on and subject to which licenses must be granted ;

(*e*) The period for which licenses are to remain in force ; and

(*f*) The exemption absolutely or subject to conditions of any explosives from the operation of the rules.

(3) The authority making rules under this section may by the rules impose penalties on all persons manufacturing, possessing, using, selling, trans-

porting or importing explosives in breach of the rules or otherwise contravening the rules :

Provided that the maximum penalty which may be imposed by any such rules shall not exceed :—

(a) In the case of a person so importing or manufacturing an explosive, a fine which may extend to three thousand rupees ;

(b) In the case of a person so possessing, using, or transporting an explosive, a fine which may extend to one thousand rupees ;

(c) In the case of a person so selling an explosive, a fine which may extend to five hundred rupees ; and

(d) In any other case, two hundred rupees.

Power for Government of Mysore to prohibit the manufacture, possession or importation of specially dangerous explosives.

5. (1) Notwithstanding anything in the rules under the last foregoing section, the Government of Mysore may, from time to time by notification in the official gazette—

(a) prohibit, either absolutely or subject to conditions, the manufacture, possession or importation of any explosive which is of so dangerous a character, that in the opinion of the Government of Mysore it is expedient for the public safety to issue the notification ; and

(b) cancel any notification under this section.

(2) Any person manufacturing, possessing or importing an explosive in contravention of a notification issued under this section shall be punished with fine which may extend to three thousand rupees.

Power to make rules conferring powers of inspection, search, seizure, detention and removal.

6. (1) The Government of Mysore may make rules consistent with this Regulation authorizing any officer, either by name or in virtue of his office—

(a) to enter, inspect, and examine any place or carriage in which an explosive is being manufactured, possessed, used, sold, transported or imported under a license granted under this Regulation, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of this Regulation or of the rules made under this Regulation ;

(b) to search for explosives therein ;

(c) to take samples of any explosive found therein on payment of the value thereof ; and

(d) to seize, detain, remove, and, if necessary, destroy any explosive found therein.

Act X of 1882 as amended by Regulation I of 1886.

(2) The provisions of the Code of Criminal Procedure as introduced into the territories of Mysore by Mysore Regulation I of 1886, relating to searches under that Code, shall, so far as the same are applicable, apply to searches by officers authorized by rules under this section.

Notice of accidents.

7. Whenever there occurs in or about or in connection with any place in which an explosive is manufactured, possessed or used, or any carriage either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident by explosion or by fire attended with loss of human life or serious injury to person or property or of a description usually attended with such loss or injury, the occupier of the place or the person in charge of the carriage, as the case may be, shall forthwith give notice thereof to the officer in charge of the nearest police station.

8. (1) Whenever in the opinion of a District Magistrate, Sub-Divisional Magistrate, or any other Magistrate specially empowered by the Government of Mysore in this behalf, an enquiry is necessary into the cause of any accident of the description mentioned in section 7, he may either himself make the enquiry or direct a Magistrate subordinate to himself to make the enquiry.

Inquiry into accidents.

(2) Any Magistrate making an enquiry under this section, shall, for the purposes of conducting the inquiry, have all the powers which he would have in holding an enquiry into an offence under the Code of Criminal Procedure as so introduced as aforesaid.

Act X of 1882 as amended by Regulation I of 1886.

9. When a person is convicted of an offence punishable under this Regulation or the rules made under this Regulation, the Court before which he is convicted may direct that the explosive or ingredient of the explosive or the substance (if any) in respect of which the offence has been committed or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

Forfeiture of explosives.

10. Whoever abets within the meaning of the Indian Penal Code as in force in the territories of Mysore the commission of an offence punishable under this Regulation, or the rules made under this Regulation, or attempts to commit any such offence, and in such attempt does any act towards the commission of the same, shall be punished as if he had committed the offence.

Act XLV of 1860.
Abetment and attempts.

11. Whoever is found committing any act for which he is punishable under this Regulation or the rules under this Regulation, and which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored or any railway or any carriage, may be apprehended without a warrant by a police officer or by the occupier of, or the agent or servant of, or other person authorized by the occupier of, that place or by any agent, or servant of, or other person authorized by the railway administration and be removed from the place where he is arrested, and conveyed as soon as conveniently may be before a Magistrate.

Power to arrest without warrant persons committing dangerous offences.

12. Nothing in this Regulation shall apply to the manufacture, possession, use, sale, transport or importation of any explosive (a) by order of the Government of Mysore, or,

Saving for manufacture, possession, use, sale, transport or importation by Government.

(b) by any person employed under that Government in the execution of this Regulation or as a keeper of a magazine, artizan, policeman or otherwise, or enrolled as a volunteer under the Indian Volunteers Act XX of 1869, in the course of his employment or duty as such.

Act XX of 1869.

13. Nothing in this Regulation shall affect the provisions of the Indian Arms Act, 1878, as in force in the territories of Mysore or any law for the time being in force relating to the manufacture, conversion, possession, transport and sale of arms, ammunition and military stores :

Act XI of 1878.
Saving of Indian Arms Act, 1878.

Provided that an authority granting a license under this Regulation for the manufacture, possession, sale, transport or importation of an explosive may, if empowered in this behalf by the rules under which the license is granted, direct by an order written on the license that it shall have the effect of a like license granted under the said Indian Arms Act.

14. Nothing in this Regulation or the rules under this Regulation shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Regulation or those rules or from being

Saving as to liability under other law.

liable under that other law to any other or higher punishment or penalty than that provided by this Regulation or those rules :

Provided that a person shall not be punished twice for the same offence.

15. (1) Before making any rules under this Regulation the Government of Mysore shall publish a draft of the proposed rules for the information of persons likely to be affected thereby.

Procedure for making publication and confirmation of rules.

(2) The publication shall be made in such manner as the Government of Mysore, from time to time, may consider adequate.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The Government of Mysore shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) A rule made under this Regulation shall not take effect until it has been published in the official gazette.

(6) The publication in the official gazette of a rule purporting to be made under this Regulation shall be conclusive evidence that it has been duly made.

(7) All powers to make rules conferred by this Regulation may be exercised from time to time as occasion requires.

K. SHESHADRI IYER,
Dewan of Mysore.